REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 95-104, 107, 108, 112, and 115 are pending in this application. Claims 105 and 106 are canceled by the present response without prejudice.

Claims 95, 99, and 101-103 were objected to for informalities. Claims 95 and 102 were rejected under 35 U.S.C. § 101. Claims 95, 98, and 102 were rejected under 35 U.S.C. § 112, second paragraph. Claims 95-98, 100-102, and 104 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. patent 5,659,626 to Ort et al. (herein "Ort"). Claims 99 and 103 were objected to as dependent upon a rejected base claim, but were noted as allowable if rewritten in independent form to include all of the limitations of their base claim and any intervening claims.

Initially, applicants gratefully acknowledge the indication of the allowable subject matter of claims 99 and 103.

Addressing first the objection to claims 95, 99, and 101-103, claims 95 and 102 were rejected as the phrase "for dividing" only constituted intended use. In reply those claims now instead recite the phrase "used to divide", to clarify that language. Those claim amendments are believed to address the noted objection to claims 95, 99, and 101-103.

Addressing now the rejection of claims 95 and 102 under 35 U.S.C. § 101, that rejection is traversed by the present response.

Claims 95 and 102 are clearly directed to a process and apparatus, respectively, which are statutory classes. Those claims also now clarify as a final operation "identifying a boundary between said object and said background using said M boundary candidates" (claim 95) and "a controller which identifies a boundary between said object and said background using said M boundary candidates" (claim 102). Clearly such features recite useful, concrete, and tangible results.

Moreover, applicants note each operation and unit recited in claims 95 and 102 is a clear process operation or physical element, which also provide useful, concrete, and tangible results.

Claims 95 and 102 are directed to proper statutory classes of a process or apparatus, and are believed to clearly recite statutory subject matter under 35 U.S.C. § 101.

Addressing now the rejection of claims 95, 98, and 102 under 35 U.S.C. § 112, second paragraph, that rejection is traversed by the present response.

Claims 95 and 102 were rejected as the reference to "said boundary candidates" at respective lines 12 and 13 did not have clear antecedent basis. In reply the claims no longer recite those limitations, and clarify the limitations therein.

Claim 98 was rejected as the phrase "the basis of said respective positions of said N boundary candidates" was unclear. In reply that language is clarified in claim 98.

The presently submitted amendments to claims 95, 98, and 102 are believed to address the rejections thereto under 35 U.S.C. § 112, second paragraph.

Addressing now the rejection of claims 95-98, 100-102, and 104 under 35 U.S.C. § 102(b) as anticipated by Ort, that rejection is traversed by the present response.

The claims as clarified by the presently submitted amendments recite "identifying a boundary between said object and/or said background using said N boundary candidates" (claim 95) and "a controller which identifies a boundary between said object and said background using said M boundary candidates" (claim 102). Ort does not disclose or suggest such a feature.

Ort is directed to a method for locating minutia in a gray scale image of a fingerprint using a pair of filters, referred to as "Gabor" and "Minutia" filters. Ort discloses the pair of filters, the "Gabor" and "Minutia" filters, as a band-pass filter in a spatial frequency for

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detecting a line such as a ridge flow.[1] In <u>Ort</u> the data that is filtered by the "Gabor" and "Minutia" filters becomes a group of data.

However, <u>Ort</u> clearly differs from the claims as written as <u>Ort</u> does not operate to detect a boundary between an object and a background. As noted above, the claims now clarify identifying a boundary between the object and the background using the M boundary candidates. <u>Ort</u> does not disclose or suggest that feature.
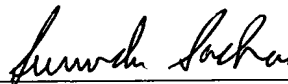
Therefore, each of amended independent claims 95 and 102, and the claims dependent therefrom, are believed to clearly distinguish over <u>Ort</u>.

Applicants also note the presence of withdrawn claims 107, 108, 112, and 115 in the present application. Each of those claims depends from one of the pending claims, and thus should now properly be reinstated. Further, withdrawn claim 102 is also amended by the present response similarly as in independent claims 95 and 102, and thereby claim 95 is believed to be generic to amended claim 112. Thus, withdrawn claim 112 is also now allowable and should be reinstated.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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[1] See for example <u>Ort</u> at column 19, line 13 et seq.